

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: VERIZON RHODE ISLAND : Docket No. 3692
ALTERNATE FORM OF :
REGULATION PLAN :

**MEMORANDUM OF THE GEORGE WILEY CENTER IN
OPPOSITION TO THE VERIZON PROPOSAL**

Notice

The Wiley Center reiterates its objection to Verizon's failure to afford the Center, or the public at large, notice of these proceedings until it was too late for either the Wiley Center or the public to participate in any meaningful way. The Center also reiterates its objection to the denial of its motion for a continuance, which resulted in the Center's inability to present testimony, as well as in the inability of undersigned counsel to participate in cross-examining witnesses.

Verizon has insisted that notice was adequate. However, for the reasons stated at the hearing before the Commission on December 6, 2005 and for the reasons stated in the *Position of the Attorney General on the George Wiley Center's Motion to Continue Hearing*, the notice provided was too late to permit meaningful participation by either the Center or the public.

- This is a rate increase for Lifeline customers. Notice to the public affected by a rate increase is always required.
- Verizon does not state how or why the notice given to listed parties, but not to the George Wiley Center or the public, must be deemed adequate to reach either the Center or the public.
- Verizon does not address how or why the public or the George Wiley Center could have participated in the status conference establishing deadlines for filings, given that neither had notice of the proceeding

- Verizon argues that delay would cause it to have to freeze its retail rates, but does not claim that freezing the rates would have any substantial or otherwise cognizable impact on its operations or finances.
- Verizon argues that the George Wiley Center is adequately represented by the Division and the Attorney General. Both of these agencies, however, must represent the entire state. No agency other than the George Wiley Center represents the special interest of low-income people in Rhode Island.

The lack of notice and denial of a continuance has resulted in a record lacking information critical to a reasoned assessment of Verizon's proposal. The Commission was given no information concerning what low-income people can afford. *E.g.*, Transcript of December 6 @ 88; Transcript of December 7 @ 78. Various parties tendered suggestions concerning whether low-income people need basic service – which the vast majority now have on Lifeline, Transcript of December 6 @ 183 -- as opposed to measured service. No one testified as to why the majority of Lifeline customers have basic as opposed to measured service. Some suggested that Lifeline customers were insisting on frills, when measured service would do. But the Commission was not presented any data on this question. No one testified as to what the “packages or features” associated with basic service were, or whether or why these services were necessities, on one hand, or frills on the other. No one knew whether Lifeline was funded by shareholders, or other ratepayers, or someone else entirely. Transcript of December 7 @ 71 *et seq.* Nor did anyone other than Henry Shelton address the impact of the unique Rhode Island rule that a call to somewhere like Woonsocket carries a long-distance charge.

It would do a grievous disservice to all concerned for the Commission to act based on unproven suggestion, speculation or assumption. The Commission lacks important information

concerning the impact of the Lifeline proposal. The George Wiley Center asks respectfully requests that the Commission defer ruling on this portion of the request. In the alternative, the George Wiley Center asks that the Commission adopt the Division's position, and delay this portion of the request for at least a year to permit action by the General Assembly.

Grounds for Opposing the Verizon Proposal

The George Wiley Center asks that the Commission deny Verizon's request. "Universal service" is the lodestar here. If the playing field must be leveled, it should be leveled by increasing the support offered by Cox to for the lowest-income, not by decreasing the support offered by Verizon. It violates any reasonable interpretation of the "universal service" mandate for this Commission to approve placing \$900,000 in added rates on the backs of Lifeline customers at a time when the Commission would be justified in taking judicial notice that anyone on a fixed income cannot afford any more.

Respectfully submitted,
The George Wiley Center
By its attorney,

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CERTIFICATE OF SERVICE

I certify that on the 20th day of December, 2005, I caused a copy of this document to be e-mailed to each of the following:

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